

MEMORANDUM

Agenda Item No. 13(I)

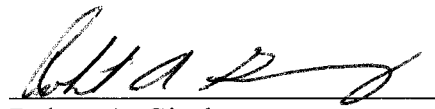
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 15, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance creating section
12-26; granting the right to
vote in elections for County
Commissioners to former felons

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 15, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(I)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 13(I)

Veto _____

3-15-05

Override _____

ORDINANCE NO. _____

ORDINANCE CREATING SECTION 12-26 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; GRANTING THE RIGHT TO VOTE IN ELECTIONS FOR COUNTY COMMISSIONERS TO FORMER FELONS WHO HAVE COMPLETED THEIR SENTENCES BUT WHO HAVE NOT HAD THEIR CIVIL RIGHTS RESTORED, AND WHO WOULD, BUT FOR THEIR STATUS AS FORMER FELONS, BE ELIGIBLE TO VOTE UNDER THE LAWS OF THE STATE OF FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, persons convicted as felons who have not had their civil rights restored are ineligible to vote under the laws of the State of Florida; and

WHEREAS, the State of Florida's disenfranchisement of felons has a disparate impact on, among others, African Americans; and

WHEREAS, this Board believes that persons who have been convicted of felonies but have completed their sentences should be permitted to participate in civic activities, including the choosing of their elected representatives; and

WHEREAS, article VIII, section 6 of the Florida Constitution grants to Miami-Dade County the power to adopt a home rule charter that, among other things, fixes the "method of election" for County Commissioners; and

WHEREAS, pursuant to section 2.06.A of that charter, this Board may adopt ordinances relating to elections not inconsistent with the charter,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 12-26 of the Code of Miami-Dade County, Florida, is hereby

3

created as follows:¹

>>Sec. 12-26. Felons voting in elections for County Commissioners.

Persons convicted as felons who have completed their sentences but who have not had their civil rights restored, and who would, but for their status as former felons, be eligible to vote under the laws of the State of Florida, shall be eligible to vote in elections for Miami-Dade County Commissioners.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAE
JPE

Prepared by:

Jeffrey P. Ehrlich

Sponsored by Commissioner Katy Sorenson

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.